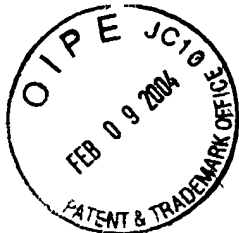


S/N 09/828,876



Attorney Docket No. 60141.XXXX  
Confirmation No. 1054  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Stice et al. Examiner: Ton, Thaian N.  
Serial No.: 09/828,876 Group Art Unit: 1632  
Filed: April 10, 2001 Docket No.: 60141.XXXX  
Title: CLONING USING DONOR NUCLEI FROM DIFFERENTIATED FETAL  
AND ADULT CELLS

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Appeal Brief Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 6, 2004.

By: \_\_\_\_\_

Name: Joseph M. Bennett/Paris

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION

Mail Stop Appeal Brief Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Dear Sir:

Petitioner, University of Massachusetts, A Public Institution of Higher Education of the Commonwealth of Massachusetts, as Represented by its Amherst Campus and having its principal place of business at Office of Vice Chancellor for Research at Amherst, Amherst, Massachusetts 01002, represents that it is the owner of the entire right, title and interest in U.S. Patent Application Serial No. 09/828,876, filed on April 10, 2001 and entitled Cloning Using Donor Nuclei From Differentiated Fetal and Adult Cells, by virtue of our assignment recorded at Reel 008465, Frame(s) 0913. Attached herewith is a Certificate under 37 C.F.R. § 3.73(b) establishing University of Massachusetts's right as assignee to take action.

Petitioner, University of Massachusetts, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent No.

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6,235,970 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,235,970, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

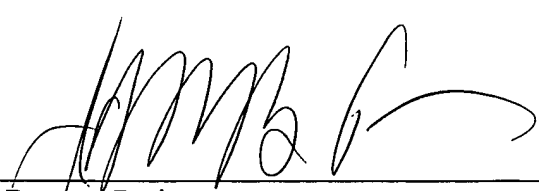
In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term as presently shortened by any terminal disclaimer of United States Patent No. 6,235,970, in the event that United States Patent No. 6,235,970 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

For submissions on behalf of an organization (e.g. corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: \_\_\_\_\_

Feb 6, 2004

  
\_\_\_\_\_  
Joseph Bennett-Paris  
Reg. No. 47,226  
Attorney of Record

**THE STATEMENT BELOW IS FOR OFFICE USE ONLY**

In accordance with the decision granting the petition filed on \_\_\_\_\_, \_\_\_\_\_, this terminal disclaimer is accepted. The period of patent lapse specified above has been accepted as equivalent to \_\_\_\_\_ months.

\_\_\_\_\_  
Petitions Examiner